

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ELLEN ROY HERZFELDER
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

April 29, 2005

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: New Bedford Regional Airport Improvements
PROJECT MUNICIPALITY	: New Bedford
PROJECT WATERSHED	: Buzzards Bay
EOEA NUMBER	: 10316
PROJECT PROPONENT	: City of New Bedford
DATE NOTICED IN MONITOR	: February 23, 2005

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **does not** adequately and properly comply with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00) and I require the filing of a Supplemental Draft (SDEIR).

Project Description

Originally proposed in an April 1995 Environmental Notification Form (ENF), the project involves the development of a series of airport improvements designed to improve safety at the existing airport and to attract and accommodate air passenger, corporate jet, and air cargo business activity within the Southeastern Massachusetts service area. Specifically, the proponent's preferred alternative (Airport Improvement Alternative – AIA) includes 9 separate elements:

- 1) extending Runway 5-23 by 3,000 linear feet (lf) (6,700 lf total)) with new Runway Safety Areas (RSA's),
- 2) realignment and extension (8,000 lf total) of Taxiway A parallel to Runway 5-23;
- 3) construction of a new 3,100 lf Taxiway F parallel to Runway 14-32;
- 4) realignment and reconstruction of Taxiway B (4,800 lf total);
- 5) improvements to Terminal Area including airline apron, terminal building, and



- vehicle parking area;
- 6) General Aviation facilities improvements;
- 7) land acquisition in runway protection zones (RPZs);
- 8) clearing of forested wetlands resource areas to create required clear zones over runway approach and departure areas; and,
- 9) relocating a portion of New Plainville Road.

According to the proponent, the airport improvement project has been designed to accommodate a portion of the estimated future (2021) increase in corporate jet, general aviation and air cargo enplanements (airside development program) anticipated for the Southeastern Massachusetts region, and related or induced commercial development within the New Bedford Regional Airport (landside development program)¹. The New Bedford Regional Airport is located between the Apponagansett Swamp to the south and the Acushnet Cedar Swamp to the north. These areas are two of the largest remaining freshwater wetland systems in southeastern Massachusetts.

As currently proposed, this airport improvement project is subject to review and preparation of a mandatory EIR pursuant to Sections 11.03 (1)(a)(1), 11.03 (1)(a)(2), 11.03 (2)(b)(2), 11.03 (3)(a)(1) and 3(a)(2), 11.03(6)(a)(4) and (6)(b)(3) (6)(b)(4) of the MEPA regulations because it involves the direct alteration of 50 or more acres of land (approximately 110.0 acres total), the creation of more than 10 acres of new impervious surface area (46.6 acres total), the alteration of rare species habitat, the construction of a new terminal and new taxiway, and the expansion of an existing runway at an airport, respectively. The project requires a 401 Water Quality Certification and the issuance of a variance by the Department of Environmental Protection (DEP) under the Wetlands Protection Act; a Conservation and Management Permit by the Division of Fisheries and Wildlife (DFW), an Order of Conditions from the New Bedford Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed), and a federal wetlands permit under Section 404 of the Federal Clean Water Act from the US Army Corps of Engineers (ACOE). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre from the U.S. Environmental Protection Agency (EPA). Because the proponent is seeking financial assistance from the Massachusetts Aeronautics Commission (MAC), MEPA jurisdiction is broad and extends to all aspects of the project that may cause damage to the environment.

¹ In January 2003, the proponent proposed taxiway improvements and other airfield alterations (EOEA #12954) in compliance with the April 2002 New Bedford Regional Airport Layout Plan. The proposed taxiway improvements included the construction of a 113,536 sf general aviation parking apron, and a 430 linear foot extension of Taxiway "B" from approximately 5,000 linear feet to approximately 5,430 linear feet total. According to the information provided by the proponent, the Aviation Ramp construction and Taxiway B extension project work was separate and distinct from the work proposed under the proponent's airport expansion project (EOEA #10316).

A Notice of Project Change (NPC) was filed in August 2003 and requested a Phase I waiver to proceed with improvements to Taxiway B prior to completing the EIR for the airport expansion project as a whole. A Certificate granting the proponent's NPC Waiver Request was issued on April 8, 2003.

Summary of Findings

I recognize, as the DEIR suggests, that expanded and improved airport infrastructure would likely, over time, incrementally enhance economic development activity in the greater New Bedford area. I am also mindful of the local and regional planning context in which the project has been proposed and I acknowledge and applaud New Bedford's ongoing efforts to create the conditions for meaningful and lasting economic development through thoughtful planning that integrates infrastructure improvement, environmental enhancement, and quality of life values. Indeed, substantial state support has been provided for several major projects in New Bedford that have successfully married economic and environmental benefits. However, the project now before me has not justified consideration of the extensive environmental impacts associated with the proposed activity.

The Department of Environmental Protection (DEP), the Environmental Protection Agency (EPA), the Natural Heritage and Endangered Species Program (NHESP), Department of Conservation and Recreation (DCR), along with the New Bedford and Dartmouth Conservation Commissions, the Massachusetts Audubon Society, the Sierra Club and many others, have provided detailed comments regarding the inadequacy of the DEIR and the proponent's assessment and proposed mitigation of potential environmental impacts to wetlands, rare species habitats, floodplains, and water supplies. They stress that the potential environmental impacts anticipated from the proposed New Bedford Regional Airport Improvement Project are extensive and unprecedented, that the DEIR does not provide adequate information to support the need for such impacts, and that the project does not meet key permitting requirements:

- DEP indicates that the project lacks a clear overriding public interest, and does not meet the variance eligibility requirements of the Wetlands Protection Act regulations.
- NHESP has submitted comments regarding the inadequacy of rare species impact documentation and indicates that the proponent has not successfully demonstrated that the project is permissible under the Massachusetts Endangered Species Act.
- According to the comments received from the DCR, the project's extensive impacts to the Acushnet Cedar Swamp State Reservation require the need for further evaluation of the project's consistency with Federal Section 4(f) functional land replacement requirements, Article 97 land disposition policies, and the terms and conditions of the Conservation Restriction (CR) for a portion of the Acushnet Cedar Swamp State Reservation established under a judicial Consent Decree between the Commonwealth of Massachusetts and the EPA.
- As described in the comments received from the New Bedford Conservation Commission, the DEIR does not contain sufficient information to describe the project's stormwater management plan, and to demonstrate the project's compliance with DEP's Stormwater Management Guidelines and Standards. In

addition, the Town of Dartmouth raises concerns about project impacts on water supplies.

- EPA notes that the preferred alternative has very substantial impacts on important aquatic resources and rare species, and that the alternatives analysis does not adequately justify the level of impacts. In addition, a comprehensive mitigation plan would be required even if the proponent were able to show that impacts have been avoided and minimized to the maximum feasible extent.

The proponent's preferred AIA project alternative will have extensive impacts on the habitat of at least five state-listed rare species; on the Apponagansett Swamp ecosystem, on the watershed of Town of Dartmouth public water supply wells; on floodplain storage volume; and on public conservation land in the Acushnet Cedar Swamp and Town of Dartmouth. It will result in filling of approximately 35 acres of vegetated wetlands, culverting of 5,350 linear feet of stream channels, clearing of vegetation in 82 acres of wetlands and 80 acres of uplands, filling of five vernal pools that provide habitat for state-listed rare species, and placement of over three million cubic feet of fill in floodplains. Inadequate information is presented on these impacts. The DEIR fails to demonstrate that the functions and values of the affected resources can or will be adequately replaced. Mitigation costs are estimated at \$7,200,000 in the DEIR, but, according to the comments received, are likely to be considerably higher. Inadequate information is also presented on stormwater management.

In order for the AIA project alternative to be implemented, the Commissioner of DEP would need to issue a variance from the Wetlands Protection Act regulations. The variance eligibility standards (310 CMR 10.05) require the project proponent to satisfactorily demonstrate:

- 1) there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the Wetlands Regulations;
- 2) mitigation measures are proposed that will allow the project to be conditioned so as to contribute to the protection of the interests identified in the Wetlands Protection Act; and
- 3) the variance is necessary to accommodate an overriding community, regional, state or national public interest.

According to the comments received from DEP, EPA, and many others, the AIA alternative would result in major alterations or destruction of significant wetland resources primarily to attract and accommodate air passenger, corporate jet, and air cargo business activity within the Southeastern Massachusetts service area. DEP has indicated that the AIA alternative lacks a clear overriding public interest. In addition, the DEIR does not contain an adequate description of the airport improvement project's direct, indirect and cumulative environmental impacts, and lacks clearly defined and adequate mitigation that would allow the project to be conditioned so as to contribute to the protection of the interests of the Wetlands Protection Act. Therefore, the DEIR has not adequately demonstrated that the project can meet the variance eligibility requirements.

I must conclude that the DEIR has not adequately demonstrated that the proposed

project's anticipated economic benefits associated with the capture of a modest number of air passenger, corporate jet, and air cargo planes from within the Southeastern Massachusetts service area would constitute an overriding public interest, or that mitigation efforts proposed in the DEIR can be undertaken to minimize the level of impacts to wetlands, rare species, floodplains, public lands and water supplies currently proposed under the proponent's AIA project alternative.

I am therefore requiring the proponent to prepare a Supplemental Draft Environmental Impact Report (SDEIR) to provide a greater level of detail regarding the proposed project's purpose and need, wetlands, rare species, water supply, drainage, and mitigation. Given the extensive and unprecedented scale of environmental impacts associated with the AIA project alternative, I strongly encourage the proponent to consider the regulatory viability of the proposed action before proceeding with the SDEIR.

SDEIR Scope

The SDEIR should act as a stand-alone document that contains an expanded and detailed analysis of potential project-related direct and indirect impacts to wetlands, rare species, drainage and water supply for the proponent's preferred AIA alternative and the Safety Standard Alternative (RSSA) as required by this Certificate. The proponent should use the SDEIR to realistically assess the viability of the proposed Airport Improvement Alternative project and should include a detailed discussion and analysis regarding the project's consistency with the variance requirements under the Wetlands Protection Act (310 CMR 10.05 (10) and the variance provisions of the 401 Water Quality Certification for Fill Projects in Waters and Wetlands pursuant to 314 CMR 9.08.

The SDEIR should consider additional project alternatives, including the proponent's Runway Safety Standard Alternative (RSSA), and other improvements to the airport, other than the proposed extension of Runway 5-23, in order to enhance its ability to function as a regional airport while minimizing impacts. The proponent's expanded alternatives analysis should serve to assist the reviewing agencies and the public in making a fair and informed comparison of the full range of environmental impacts and benefits for each project alternative.

Project Purpose

As described in the DEIR, the proposed project has been designed to address existing airport deficiencies pertaining to FAA runway safety standards, and enhance the New Bedford Regional Airport's ability to relieve a portion of the existing and projected 2021 regional aviation demand for passenger, general aviation, air cargo, and corporate jet traffic within the Southeastern Massachusetts region. According to the proponent, a portion of the projected future increases in aviation demand within the Southeastern Massachusetts region would be diverted from Logan Airport and Green Airport by this project's proposed airport improvements. The DEIR indicates that 1-2 cargo jets per day might use the New Bedford Regional Airport, provided that a cargo carrier could be attracted to locate their operations at New Bedford Airport. The proposed extension of

Runway 5-23 to 6,700 linear feet (lf) is designed to capture a portion of the projected increase in demand for corporate jet traffic. I note however, that in May 2001, the Massachusetts Port Authority (Massport) proposed and subsequently developed Runway 14/32 at Boston Logan Airport, a 5,000 lf unidirectional runway, to service an increase in the use of small planes and regional jets (RJs).

Nearly all of the commenters writing in opposition to the project have questioned the project need and have commented that, according to the information provided in the DEIR, the bulk of the regional aviation demand for passenger, general aviation, air cargo, and corporate jet traffic appears to be adequately accommodated through the ongoing use of Boston's Logan Airport and Rhode Island's T.F. Green Airport in Providence. I, too, do not find the proponent's discussion of project need compelling. The proponent must provide additional information in the SDEIR to clearly quantify the current and future regional aviation demand in Southeastern Massachusetts, and the likely distribution of that projected demand to existing regional airports, particularly Logan, T.F. Green, and New Bedford. The proponent should identify the total number of passenger, general aviation, air cargo, and/or corporate jet flights that could be accommodated at the New Bedford Regional Airport using the proponent's existing facilities, and under the proponent's preferred AIA alternative and the RSSA alternative.

As DEP has indicated in their comments, wetland variances have historically been issued by DEP only in rare and unusual circumstances involving:

- 1) the protection of public health (e.g. hazardous waste clean-up, water supply filtration, and landfill closures);
- 2) the protection of public safety (e.g. airport safety areas and flooding), and
- 3) environmental improvements (e.g. resource restoration, and traffic and air quality improvements).

Given the history of wetland variances issued by DEP, and the extensive and unprecedented environmental impacts associated with the proponent's preferred AIA project alternative, the SDEIR must provide more detailed information pertaining to the overriding public interest the airport improvement project proposes to serve. Specifically, the proponent should identify and describe what particular public interest(s) will be served by the proposed New Bedford Regional Airport improvement project and why that interest should be considered an overriding public interest comparable to the standards set in previous variance decisions issued by DEP.

Future Development/Segmentation

The proposed airport improvement project will also accommodate the related or induced expansion of related airport businesses located within the project site (landside development program) resulting from the proponent's airside development program. As described in other MEPA Certificates previously issued on airport improvement projects proposed for the Boston Logan Airport (EOEA #3247, EOEA#13024) proposed airside improvements cannot be viewed in isolation from the expansion and development of

airport operations and related airport businesses. Infrastructure improvements including, but not limited to, water supply, wastewater, and traffic mitigation and roadway improvements, may serve in part to facilitate and support the anticipated future growth and development of related airport business activities including the development of the proponent's Airport Business Park within the project site.

Pursuant to the anti-segmentation provision of the MEPA regulations (see Section 11.03 (2)(c)), I must consider the environmental impacts associated with the proponent's preferred AIA project alternative (proposed airside and landside development programs) and any future growth and development of airport business activities as integral parts of the New Bedford Regional Airport Improvement Project. The SDEIR should include a discussion of the full build-out, allowable under applicable zoning of any/all remaining undeveloped land, and existing developed land located within the New Bedford Regional Airport ("Airport full-build scenario"). The full-build analysis should contain a full build-out (total square footage) development plan (at the conceptual level) that incorporates the potential development of all upland land areas located within the Airport. The SDEIR should provide estimates for water supply, wastewater, and new vehicle trips generated under the Airport full-build scenario. The SDEIR should also include a brief description of each state permit or agency action required or potentially required for the Airport full-build scenario.

Alternatives

The SDEIR should include additional information to satisfactorily demonstrate the need for extending Runway 5-23 to 6700 ft, and to evaluate the utility of shorter runway alternatives with fewer environmental impacts as New Bedford Regional Airport's contribution to the enhancement of aviation service within the Southeastern Massachusetts region. The proponent's Runway Safety Standard Alternative (RSSA) contains substantially fewer (although still significant) direct and indirect environmental impacts: the filling of approximately 7.17 acres of BVW, approximately .04 acres of Isolated Land Subject to Flood (ILSF), and approximately four acres of bordering land subject to flooding (BLSF). Approximately 1.56 acres of BVW and 14 acres of upland rare species habitat would be cleared as part of the proponent's proposed Vegetation Management Plan in compliance with the Federal Aviation Administration's (FAA) requirements for maintaining a safety zone at the end of airport runway approaches. I note that a variance under the Wetlands Protection Act would be required for either the AIA or RSSA project alternative. I ask the proponent to further evaluate the RSSA alternative in the SDEIR.

The proponent should also include in this section of the SDEIR a discussion pertaining to obtaining a waiver from the FAA's requirements for maintaining a 1,000' cleared safety zone at the end of airport runway approaches. The proponent should consult with the FAA regarding the applicability of such a waiver for the proponent's AIA and RSSA project alternatives. The SDEIR should provide an update of the proponent's waiver discussion with the FAA.

Finally, the SDEIR should expand upon the Alternatives Analysis provided in the DEIR and evaluate the roles of the existing airports serving the Southeastern Massachusetts region

(Logan, New Bedford, Barnstable, Mansfield, Marshfield, Norwood, Plymouth, Taunton, T.F. Green – Rhode Island, Quonset – Rhode Island) in relieving portions of the projected future regional aviation demand for passenger, general aviation, air cargo, and corporate jet traffic.

Wetlands

The Apponagansett Swamp and the Acushnet Cedar Swamp, two of the largest remaining freshwater wetland resource areas in Massachusetts, surround the airport site and are located at the headwaters of the Paskamanset River, which flows through the Town of Dartmouth into the Slocum River and to Buzzards Bay. These unique and important wetlands serve important statutory public interests including rare species habitat, storm damage prevention, flood control, and protection of the Town of Dartmouth's public and private water supplies. The AIA project alternative will require the filling of approximately 32 acres of bordering vegetated wetlands (BVW), several acres of federal wetlands, including the filling of Certified Vernal Pools that are classified as Outstanding Resource Waters (ORW), and the alteration and regular cutting of approximately 82 additional acres of forested wetland resource areas as part of the proponent's proposed vegetation management plan. This airport improvement project proposal constitutes the largest proposed wetlands filling since the 1983 promulgation of the state's Wetlands Protection Act regulations.

According to DEP, the issuance of variance decisions has only been issued by DEP in rare and unusual circumstances. Given the unprecedented extent of potential environmental impacts to result from the proposed New Bedford Regional Airport improvement project, I remain unconvinced of the project's permissibility under the Massachusetts Wetlands Protection Act, the Clean Water Act, the Massachusetts Endangered Species Act, and the Department of Transportation Act of 1966 s. 4(f).

Many commenters have expressed concern with the proponent's brief and incomplete description of the proposed project's direct and indirect impacts to the Apponagansett Swamp and the Acushnet Cedar Swamp wetland resource areas, rare species habitats, the Paskamanset River watershed, and the Town of Dartmouth's public and private water supplies. The SDEIR must include a complete and detailed description of the extent of the proposed project's direct and indirect wetlands resource impacts, and the functions associated with each impacted wetland resource area. The SDEIR should provide a tabulation of potential wetland resource area impacts for each of the nine project elements included in the proponent's preferred AIA project alternative. The SDEIR must address these comments, and must include a detailed description of the mitigation measures proposed by the proponent to minimize impacts and restore wetland resource area functions.

The proponent's wetlands replication and environmental mitigation plan for the proponent's preferred Airport Improvements Alternative must identify specific on-site or off-site locations or parcels proposed to serve as suitable wetlands resource mitigation areas. Given the high rate of replication failure in New England, the unprecedented size of the proposed wetland resource impacts, and the unique hydrologic functions and ecological

values of the impacted wetland resources, the proponent's mitigation plan should demonstrate its ability to successfully replicate these unique functions and ecological values. At a minimum, I also ask that the proponent commit to providing wetland mitigation at a 2:1 ratio.

The proponent's wetlands mitigation plan should include cost estimates for individual components of the mitigation plan, identification of funding sources, and the identification of the parties responsible for implementing the plan's individual mitigation components. The SDEIR should explain how the proponent's proposed mitigation program funding (7.2 million dollars) was calculated. The wetlands mitigation plan should also contain a schedule for implementing the individual components of the proposed mitigation, based on the construction phases of the proposed airport improvement project.

The SDEIR should address the ability of the mitigation plan to successfully replicate the wetland resource values that will be permanently impacted under the preferred AIA project alternative. Many commenters have identified the extreme difficulty associated with the replication of inland wetlands, particularly palustrine shrub swamp, in New England. The SDEIR should include specific plans for mitigation of all impacts to the Acushnet Cedar Swamp State Reservation and Town of Dartmouth's Smith Reserve conservation land. The SDEIR should also include a mitigation plan that addresses the direct and indirect impacts associated with the proponent's RSSA project alternative.

The AIA project alternative will also require the acquisition of a two-acre portion of the Acushnet Cedar Swamp State Reservation for the proposed relocation of New Plainville Road and approximately 10 acres of Apponagansett Swamp wetlands, and a portion of protected wetland resource area (Smith Reserve) owned by the Dartmouth Natural Resources Trust (DNRT), for ongoing airport-related vegetation management activities to maintain a clear, safe and unobstructed approach to airport runways. In 1972, the Secretary of the Interior identified the distinctive quality of the Reservation's Atlantic White Cedar Swamp ecosystem and designated the Acushnet Cedar Swamp State Reservation as a National Natural Landmark. The Acushnet Cedar Swamp State Reservation is subject to a Consent Decree and Conservation Restriction, signed by the Department of Conservation and Recreation (DCR), the Department of Corrections, the EPA, Division of Capital Asset Management (DCAM) and the Attorney General's Office, that specifically prohibits activities such as the proponent's proposed relocation of New Plainville Road. The SDEIR should contain a detailed discussion of proponent's proposed acquisition of a portion of the Acushnet Cedar Swamp State Reservation and its consistency with Federal Section 4(f) functional land replacement requirements, National Natural Landmarks land use requirements, and the state's Article 97 land disposition policies.

Rare and Endangered Species

In its comments, the Natural Heritage and Endangered Species Program (NHESP), identified habitat for at least five state listed rare species within the project site including: American Bittern (*Botaurus lentiginosus*); Coastal Swamp Amphipod (*Synurella chamberlaini*), Spotted Turtle (*Clemmys guttata*); Eastern Box Turtle (*Terrapene Carolina*);

and Four-toed Salamander (*Hemidactylium scutatum*). The Department of Conservation and Recreation (DCR) notes that rare insects (Lepidoptera and Odonates) may also occur within the affected portion of the Acushnet Cedar Swamp.

According to NHESP, the proponent's preferred AIA project alternative would result in a "take" of state protected wildlife. Numerous commenters have indicated that the extent of the impacts to rare species habitat under the proponent's AIA project alternative has not been adequately assessed. Although five vernal pools that provide important habitat for spotted turtles will be filled under the proponent's preferred AIA project alternative, the DEIR has not provided specific plans for mitigating those vernal pool resource impacts. NHESP has indicated that the DEIR does not contain sufficient information to demonstrate that the proposed AIA project alternative is eligible for a Conservation and Management Permit pursuant to the Massachusetts Endangered Species Act (MESA) and MESA Regulations (321 CMR 10.04(3)(b)).

The SDEIR must contain on-site and off-site rare species surveys to document the extent of the local populations of the affected rare species and to quantify the extent of remaining habitat that will not be affected by the proposed project. For those areas found to be suitable habitat, the SDEIR should include surveys at appropriate times of year to determine if rare species are actually present. I ask that the proponent contact the Natural Heritage Program to determine the appropriate survey protocols. (If rare turtles are encountered, I strongly recommend that the proponent undertake radio telemetry studies.) The SDEIR should present the results of these rare species surveys on an appropriately scaled map. The SDEIR should clearly identify on an appropriately scaled map land areas located within the airport project site that may be designated in the proponent's mitigation plan as protected habitat translocation areas, habitat management areas or habitat protection areas. The SDEIR should include a copy of the proponent's vegetation management plan and a detailed analysis of its impacts of the affected rare species habitats. The SDEIR should include a habitat management plan for all existing and proposed grassland and shrubland areas located within the project site that reflects current conditions and knowledge of existing rare species. The habitat management plan should contain a detailed monitoring plan that will enable the proponent and NHESP to evaluate the success of the proponent's proposed habitat mitigation activities. The SDEIR should respond to the detailed comments and recommendations provided by NHESP.

Given the extent of impacts to rare species habitat, it appears doubtful that the project, as currently designed, is permissible pursuant to MESA Regulations. I recommend that the proponent include in the SDEIR a thorough investigation of additional opportunities to significantly modify the preferred AIA project alternative, or identify other project alternatives, such as the RSSA, to significantly reduce the extent of proposed wetland fill and elimination of rare species habitat within the project area, and to provide detailed plans for impact minimization and net-benefit mitigation.

Stormwater/Drainage

The airport site borders on the Acushnet Cedar Swamp State Reservation to the north,

and the Apponagansett Swamp wetland ecosystem to the south. These unique wetland resource areas contain some of the most viable habitat for rare species and natural communities in Massachusetts.

Because the proposed airport improvement project is located between these two unique and important wetland resource areas, the drainage system design should reflect the heightened sensitivity of the project area.

The AIA project alternative will result in the filling of more than 30 acres of 100-year floodplain area. The proposed filling of floodplain area will result in the loss of available flood storage capacity in the Apponagansett Swamp. As described in the DEIR, the proponent proposes to use these wetland resource areas surrounding the project site for stormwater detention and storage. The DEIR has not adequately analyzed the impacts to the hydrology and functionality of these wetland resource areas from the proponent's proposed stormwater management plans.

The SDEIR should provide a detailed discussion of the consistency of the existing and proposed airport drainage and stormwater management system with the DEP Stormwater Management Guidelines for the 2, 10 and 100-year storm events. The SDEIR should include a drainage plan for the proposed AIA project alternative and the Airport full-build scenario (at least at the conceptual level). The SDEIR must provide sufficient information on the location and types of proposed stormwater management facilities and structural BMPs included in the proponent's stormwater management plan to collect, treat and provide total recharge of stormwater generated in the 2021 build scenario to the groundwater and wetland resources areas located in the project area. This conceptual drainage plan for the Airport full-build scenario should analyze both direct and indirect (i.e. changes in drainage patterns) impacts on wetland resource areas resulting from the Airport full-build scenario.

The AIA project alternative may also result in the loss of groundwater recharge capacity and base flow in the Paskamansett River. The Paskamansett River provides recharge to the aquifer that serves the Town of Dartmouth's public water supply wells. The SDEIR should address the airport improvement project's potential impacts to the dry period flows to the Paskamansett River, and to the groundwater recharge areas serving the existing and proposed public and private water supplies located in the Town of Dartmouth. The proponent should give serious consideration to installing one or more monitoring wells downgradient of the project site to monitor and evaluate the impacts of the proponent's stormwater management plan on adjacent wetland resource areas and local Town of Dartmouth groundwater resources. The SDEIR should include a copy of the proponent's Stormwater Pollution Prevention Plan (SWPPP) and an Installation Spill Contingency Plan (ISCP) covering current operations.

The SDEIR should provide a detailed description of the proponent's proposed mitigation measures to ensure compliance with DEP's Stormwater Management Guidelines. The proponent's drainage analysis, and stormwater management planning and mitigation measures should apply to the entire site, and should include the Airport full-build scenario. The SDEIR should respond to comments regarding the potential impacts of even small changes in hydrology on the Atlantic White Cedar Swamp natural wetland community

located adjacent to the project site. Based on the information and analysis provided in the SDEIR, I reserve the right to require further analysis of the project's proposed methods of stormwater management, and any mitigation for stormwater impacts deemed necessary.

The SDEIR should further investigate feasible methods of reducing impervious surfaces located within the airport project site for the preferred AIA project alternative, the RSSA alternative, and under the Airport full-build scenario. Specifically, I ask that the proponent consult with the Department of Conservation and Recreation (DCR) to consider incorporating low impact development (LID) design measures into the project design to improve the management of stormwater runoff from the proposed project site. I strongly encourage the proponent to consider incorporating the use of such LID measures as permeable surface parking materials and landscaped bioretention areas to significantly reduce the total amount of impervious area and stormwater runoff from the proposed airport improvement project.

Traffic

According to the information provided in the DEIR, the estimated increase in airport traffic under the 2021 AIA project alternative is approximately 904 new vehicle trips per day (vtd) and includes new vehicle trips generated by the proponent's airside and landside development program activities. The SDEIR should provide an explanation of the methodology used to derive the forecasted vehicle trip generation estimates "Projected-generated Traffic" based on enplanement projections. The SDEIR should also include a traffic impact assessment for the Airport full-build scenario that conforms to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment.

The SDEIR should discuss the need for any traffic mitigation for the AIA project alternative, and under the Airport full-build scenario, including signalization, signage, and roadway improvements, for project area roadways located in the Town of Dartmouth and City of New Bedford. I strongly encourage the proponent to consult with the Town of Dartmouth, City of New Bedford and the Massachusetts Highway Department (MHD), and the Southeastern Regional Planning & Economic Development District (SRPEDD) on transportation issues during the preparation of the SDEIR.

Air Quality

The estimated increase in airport traffic under the 2021 AIA project alternative is below the established Volatile Organic Compounds (VOCs) and Nitrogen Oxides (NOx) thresholds for conducting a required air quality mesoscale analysis. The SDEIR should discuss the potential impacts to air quality under the Airport full-build scenario.

Noise and Vibration

As described in the DEIR, significant noise impacts will result from the AIA project alternative. These noise impacts will occur primarily in the neighborhood located northeast

of the Airport along New Plainville Road, at The Willows condominium development, and in the Tarkilin Road area near Plainville Commons. The proponent has proposed to use sound insulation for residences located within a 65 dB DNL contour.

I note that soundproofing programs require that structures within the 65 dB DNL contour meet certain code requirements prior to receiving acoustical treatments. The SDEIR should describe the proponent's commitments to funding building code upgrades to the extent necessary to ensure that low income residents with substandard housing receive equal access to noise mitigation. I want to underscore that under state law, soundproofing must be implemented as a feasible mitigation measure, regardless of whether federal funds are available. The SDEIR should also include a discussion of the proponent's commitment to regularly monitor and re-evaluate the New Bedford Regional Airport noise environment to identify changes in the 65 dB DNL contour over time. The SDEIR should describe the procedure for recording and addressing noise complaints from the community. In this context, I note that the Hanscom Field Noise Work Group created under the MEPA review for that facility (EOEA #5484, #8696) issued a detailed and thoughtful report on the potential noise impacts of airport facilities. The report describes a range of voluntary noise abatement policies, and several innovative new methods of measuring noise impacts. The proponent should consult with the Hanscom Work Group and Massport to determine how that report may be used to inform this project.

Construction Period Impacts/Coordination

The construction period will be the major source of impacts from the AIA project alternative, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, impacts to publicly owned and privately-owned land and wetland resource areas in the project area, and traffic impacts on adjacent roadways. I strongly encourage the proponent to commit to reseeding and replanting those portions of the construction corridor located adjacent to Article 97 lands, and endangered species habitat, with appropriate native species of grasses, woody shrubs and trees. The proponent will need to consult with DEP, NHESP, DCR, and the New Bedford Conservation Commission, in the development and scheduling of re-seeding and replanting activities. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. The proponent should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel pursuant to DEP's Clean Construction Equipment Initiative.

Sustainable Design

A new development of the size of the proposed AIA project alternative presents a host of opportunities for incorporating sustainable design elements and sustainable construction into project design, consistent with the goals of Executive Order 385. Sustainable design elements, over the course of the project design life, can both prevent Damage to the Environment and reduce operating costs to the proponent. To the extent feasible, the

proponent should incorporate sustainable design elements into the project design. The SDEIR should include a separate section on sustainable design.

The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Optimization of natural day lighting, passive solar gain, and natural cooling
- Use of energy efficient HVAC and lighting systems, appliances and other equipment, and use of solar preheating of makeup air
- Favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy
- Provision of easily accessible and user-friendly recycling system infrastructure into building design
- Development of a solid waste reduction plan
- Development of an annual audit program for energy consumption, waste streams, and use of renewable resources
- LEED certification
- Water conservation and reuse of wastewater and stormwater

Executive Order 385/Planning for Growth

Over the past decade, Southeastern Massachusetts has experienced the most rapid increases in population and land development of any area in the Commonwealth. This region's population has grown from 638,000 in 1960 to 942,000 in 1990 (a 46% increase), with an anticipated increase of an additional 200,000 by 2020.

The Planning for Growth Executive Order (E.O. 385) requires that, in making their permitting decisions, state agencies seek to minimize unnecessary loss or depletion of environmental quality and resources that might result from a permitting decision, to consider local and regional growth management plans, and to make an express finding as to the consistency of their decisions with the provisions of the Executive Order. It also requires that the proponent discuss the consistency of the project with applicable local and regional growth management plans. I note that the FAA is presently developing a New England Regional Air System Plan. The SDEIR should provide an update of the FAA's New England Regional Air System Plan development process, and should discuss the proponent's proposed airport improvement project in the context of such a regional plan.

Mitigation/Section 61

The SDEIR should include a proposed Section 61 Finding for all state permits required for the AIA project alternative. The proposed Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

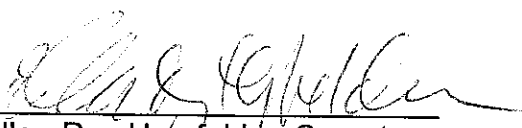
Response to Comments

The SDEIR should follow MEPA regulation 11.07 as modified by this scope and must respond to the comments received. I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The SDEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

SDEIR Distribution

The SDEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to the municipal officials for the City of New Bedford and the Town of Dartmouth. A copy of the SDEIR should be made available for public review at the public libraries for the City of New Bedford and the Town of Dartmouth.

April 29, 2005
DATE


Ellen Roy Herzfelder, Secretary

Comments received: (continued on next page)

02/10/05	Massachusetts Historical Commission (MHC)
03/10/05	Town of Dartmouth, Planning Board
03/29/05	Edward F. Sweeney
03/26/05	Bridgewater State College
03/31/05	Benjamin Troia
04/04/05	New Bedford Economic Development Council
04/07/05	SouthCoast Development Partnership
04/08/05	Town of Dartmouth, Board of Health
04/13/05	John Fournier
04/13/05	MaryAnna Foskett
04/13/05	Simon Walker
04/14/05	Caroline Whitney
04/14/05	Marjorie J. Generazzo
04/14/05	Michael Redford
04/15/05	Thomas W. Lincoln
04/15/05	Virginia G. Brown
04/19/05	Linda Enos
04/19/05	Francoise H. LaMonica
04/19/05	Jennifer Dupras

Comments received: (continued on next page)

04/19/05	Linda Enos
04/19/05	Francoise H. LaMonica
04/19/05	Jennifer Dupras
04/19/05	Mitchell T. & Arlene M. Ziencina
04/19/05	Michael Enos
04/19/05	Lorraine Hauk
04/19/05	John M. Teal
04/19/05	Judith Eiseman
04/19/05	Colonial Air
04/20/05	Opposing Post Cards (5)
04/20/05	Carol Logue
04/20/05	Greater New Bedford Industrial Foundation
04/21/05	Thomas and Andrea Welch
04/21/05	Opposing Post Cards (8)
04/21/05	Paul Singer
04/21/05	Suzanna B. and William Trimble
04/21/05	Tim Watts
04/21/05	Richard E. Payne
04/21/05	Sarah Wolff
04/21/05	Lisa Bisson
04/21/05	Phyllis Wolff
04/21/05	Town of Oak Bluffs, Conservation Commission
04/21/05	Green Futures
04/21/05	New Bedford Area Chamber of Commerce
04/21/05	The Nature Conservancy, Massachusetts Chapter
04/21/05	Southeastern Regional Planning & Economic Development District (SRPEDD)
04/21/05	Massachusetts Association of Conservation Commissions (MACC)
04/22/05	City of New Bedford, Conservation Commission
04/22/05	Friends of The Blue Hills
04/22/05	Town of Carver, Conservation Commission
04/22/05	City of New Bedford, New Bedford Regional Airport (w/ Friends of the Airport Petition containing 1,273 signatures)
04/22/05	Anita C. Taylor
04/22/05	Leslie Doyle
04/22/05	Robert K. Eckert
04/22/05	Alisha Telci
04/22/05	David Harrison
04/22/05	Robert C. Prince
04/22/05	Magnolia Bloomsbury
04/22/05	Tom Peelen
04/22/05	Adrian Green
04/22/05	Gary Marshall
04/22/05	Vincent DeWitt
04/22/05	Joan Keith

Comments received: (continued)

04/22/05	Philip Saunders Associates
04/22/05	Don Clark
04/22/05	Rocky Keith
04/22/05	Jay Pendexter
04/22/05	Katie Giddings
04/22/05	Vincent DaForno
04/22/05	Jaime Bonney
04/22/05	Town of Dartmouth, Conservation Commission
04/22/05	Dartmouth Natural Resources Trust
04/25/05	The Coalition for Buzzards Bay
02/25/05	Department of Environmental Protection (DEP)
04/26/05	Natural Heritage and Endangered Species Program (NHESP)
04/26/05	Department of Conservation and Recreation (DCR)
04/26/05	Sierra Club
04/26/05	Town of Hudson, Conservation Commission
04/26/05	Environmental League of Massachusetts (ELM)
04/26/05	Kathleen O'Connor and Frederick Spence
04/26/05	Stacy Chapman
04/26/05	Helen D. Bethell
04/26/05	Opposing Post Cards (6)
04/26/05	MassAudubon
04/26/05	U.S. Environmental Protection Agency (EPA)
04/26/05	Bruce Booker
04/29/05	Town of Norton, Conservation Commission

DEIR #10316
ERH/NCZ/ncz